



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.10872, 10875 to 10888 and 10892 of 2021

and

W.M.P.[MD]Nos.8497 to 8560 of 2021

Raja.K	... Petitioner in WP(MD). 10872/ 2021
Raja Mohammed.T	... Petitioner in WP(MD). 10875/ 2021
M.R.Tamilselvan	... Petitioner in WP(MD). 10876/ 2021
U.Moulana Hairudeen	... Petitioner in WP(MD). 10877/ 2021
Kanagaraj.P	... Petitioner in WP(MD). 10878/ 2021
Malarvizhi. A	... Petitioner in WP(MD). 10879/ 2021
Chandrapraba.K	... Petitioner in WP(MD). 10880/ 2021
Sahaya Rani.S	... Petitioner in WP(MD). 10881/ 2021
Sanmugasundaram. S	... Petitioner in WP(MD). 10882/ 2021
Somasundaram.K	... Petitioner in WP(MD). 10883/ 2021
Jayaraj.R	... Petitioner in WP(MD). 10884/ 2021
Kanagaraj.P	... Petitioner in WP(MD). 10885/ 2021
Ramesh. M	... Petitioner in WP(MD). 10886/ 2021
Srinivasan .K	... Petitioner in WP(MD). 10887/ 2021
Pelakkani.S	... Petitioner in WP(MD). 10888/ 2021
Samidurai.A	... Petitioner in WP(MD). 10892/ 2021

vs

1. The State of Tamil Nadu
represented by the Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George, Chennai - 600 009.



2. The Trichy Corporation
represented by its Assistant Commissioner,
(Srirangam Division),
No.58 Bharathidasan Salai, Cantonment,
Trichy District

3. The District Collector, Trichy District , Trichy.

4. The Managing Director
O/o.The Managing Director,
Trichy Smart City Ltd., Corporation Building,
No.58 Bharathidasan Salai, Cantonment,
Trichy District

5. The Director of Town and Country Planning,
O/o.The Director of Town and Country Planning,
807 Anna Salai, Chennai -600 002. ...Respondents in all WPs

Prayer in WP(MD) . 10872/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.5, Chinthamani Market, Trichy Municipal Corporation Building, Kalamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10875/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.11, Chinthamani Market, Trichy Municipal Corporation Building, Kalamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project and pass any further or other orders as this Honble court may deem fit under the circumstances of the case.



Prayer in WP(MD) . 10876/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.7, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10877/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.13, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case and thus render justice.

Prayer in WP(MD) . 10878/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.15, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project and pass any further or other orders as this Honble court may deem fit under the circumstances of the case.



Prayer in WP(MD) . 10879/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.12, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10880/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the REspondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.3, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10881/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the REspondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.9, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.



Prayer in WP(MD) . 10882/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.04, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10883/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the REspondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.08, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10884/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the REspondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.18, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.



Prayer in WP(MD) . 10885/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the REspondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.14, Chinthamani Market, Trichy Municipal Corporation Building, Kaliyamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10886/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.16, Chinthamani Market, Trichy Municipal Corporation Building, Kaliyamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.

Prayer in WP(MD) . 10887/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.2, Chinthamani Market, Trichy Municipal Corporation Building, Kaliyamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project ,and pass such other or further orders as this Honourable High Court may deem fit under the circumstances of the case.



Prayer in WP(MD). 10888/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.6, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project and pass any further or other orders as this Honble court may deem fit under the circumstances of the case.

Prayer in WP(MD). 10892/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertianing to the impugned order in Na.Ka.No.A1/2171/2021/(sri) dated 15-06-2021 on the file of the Respondent No.2 and quash the same and consequently forbear the respondent No.2 from evicting the petitioner from his shop in Shop No.01, Chinthamani Market, Trichy Municipal Corporation Building, Kaliamman Kovil Street, Near Chattiram Bus Stand, Trichy Dist., without framing any scheme for rehabilitation and re-accommodation of the shopkeepers who are affected under the smart city project and pass any further or other orders as this Honble court may deem fit under the circumstances of the case.

In all cases:-

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Baskaran

Standing Counsel for the State of Tamil Nadu

COMMON ORDER

[Common Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, these Writ Petitions themselves are taken up for final disposal.

2.Heard Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioners and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents, including Trichy Municipal Corporation.

<https://hcservices.ecourts.gov.in/hcservices> 2.The petitioners have filed these writ petitions challenging



the proceedings of the second respondent dated 15.06.2021, by which they have been informed that the licenses granted to run small shops have been cancelled and they were directed to vacate and hand over vacant possession.

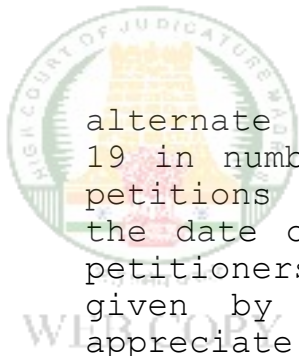
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4.The reason behind cancellation of the licenses is on the ground that the Smart City Project has to be implemented and there is a time frame within which the Smart City Project has to be implemented. Therefore, the respondent Corporation has cancelled the licenses and directed to vacate the premises and hand over vacant possession. The commencement of the implementation of the Smart City Project has taken place in various cities in the State of Tamil Nadu, including Trichy and in most of the places, more particularly, in Tanjore, the respective local body has granted temporary accommodation to the traders, so that their livelihood is not affected, because most of them are very small traders carrying on small business in areas of about 100 sq.ft.

5.Therefore, if the writ petitioners are to be vacated from the premises without any alternate accommodation, they may be put to great hardship, more particularly, during the Covid-19 pandemic. Therefore, as a welfare measure, the respondent Corporation can consider an alternate site, so that the petitioners and other similarly placed persons can erect temporary shops in the said place and vacate and hand over vacant possession of the area in question. This Court is conscious of the fact that there is no vested right on the petitioners to claim that they shall be granted alternate accommodation. Taking into consideration the pandemic situation and the trades and businesses were ordered to be closed as part of the lock down measures brought about by the State of Tamil Nadu, the respondent Corporation can take a slightly lenient view in so far as the writ petitioners are concerned.

6.The Court is also conscious of the importance of the Smart City Project and undoubtedly, the entire public of Trichy city would be benefited by the project and obviously, the petitioners, who are also residents of Trichy city, would be the beneficiaries of the Smart City Project. Very recently, we read in the newspaper that the implementation of the Smart City Project in Tirunelveli city has been adjudged as one of the best. Therefore, the petitioner should cooperate with the respondent Corporation and the authorities in vacating their shops to implement the Smart City Project, which is a time bound project for which funds have been allotted by the Central Government.

7.The respondent Corporation is directed to identify an



alternate site to accommodate the petitioners who are stated to be 19 in number, including three shop owners who have not filed writ petitions and alternate site can be identified within 15 days from the date of receipt of a copy of this order and intimated to the petitioners. The petitioners are directed to accept the proposal given by the respondent Corporation and this Court will not appreciate if any bargaining is done by the petitioners, as we have already held that there is no vested right for the petitioners to seek for alternate site and this direction is issued considering the pandemic situation which is prevailing now. The respondent Corporation shall put on notice the petitioners and grant them 15 days time to vacate and relocate their shops in the alternate space and hand over vacant possession of the present area of the respondent Corporation. It is made clear that no extension of time will be entertained. Till the above process is completed, no coercive action shall be initiated against the petitioners and the other three shop owners pursuant to the impugned notices, which shall be kept in abeyance.

8.The learned Standing Counsel for the respondent Corporation submitted that among the writ petitioners, four of them in W.P.[MD] Nos.10875, 10879, 10881 & 10883 of 2021, are not the original licensees and the original licensees have sub-leased the premises. If that is so, we leave the decision to the Commissioner of the Trichy Corporation, to consider whether the benefit of this order should inure in favour of those four petitioners and the decision of the Commissioner of the Trichy Corporation shall be final. It is further submitted that some of the writ petitioners, namely, petitioners in W.P.[MD]Nos.10876, 10880, 10881, 10882, 10884 & 10888 of 2021, are in arrears of the license fee / lease rent to the tune of more than Rs.1.5 lakh each. Learned Counsel for the petitioner submits that the arrears have been paid. In any event, if the arrears is not cleared, the benefit of this order will not inure to them and the writ petitions will stand automatically dismissed, without reference to this Court.

9.With the above directions, these Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

- 1.The Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Assistant Commissioner,
Trichy Corporation,
(Srirangam Division),
No.58, Bharathidasan Salai,
Cantonment,
Trichy District.
- 3.The District Collector,
Trichy District, Trichy.
- 4.The Managing Director,
O/o. The Managing Director,
Trichy Smart City Ltd.,
Corporation Building,
No.58, Bharathidasan Salai,
Cantonment, Trichy District.
- 5.The Director of Town and Country Planning,
O/o.the Director of Town and Country Planning,
807, Anna Salai, Chennai-600 002.

Copy to:

The Commissioner,
Trichy Corporation,
Trichy District.

COMMON ORDER MADE IN
W.P.[MD]Nos.10872, 10875 to 10888
and 10892 of 2021
02.07.2021

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